

0019583

From: [Mike Murray](mailto:12lbtest@usa.net)
To: 12lbtest@usa.net
Subject: Re: note from our conversation, Thank You
Date: 10/16/2006 11:37 AM

Jim,

Good summary of our conversation. I concur with your description of everything, except would clarify the "status quo" issue a little differently, which is:

My understanding is that your interpretation or preference for the *status quo* for closures in front of the villages would be the same conditions that existed prior to the establishment of SO # 7 in April 2004. I think your description of what those conditions were prior to 2004 is accurate. My interpretation of and intent in using the term *status quo* is to try as much as possible to stick with whatever village beach front closure conditions I inherited until the entire policy can be revisited during negotiated rulemaking. I think the SO # 7 policy is flawed and needs to be addressed, but prefer to address it as part of the negotiated rulemaking process. The fact that I am sticking with the *status quo* does not necessarily mean I think the current policy is the correct policy in the long run. It just means that I think it is complicated and controversial, and needs a full discussion with public input such as offered by the negotiated rulemaking process.

I appreciate your efforts to maintain and improve communications on this issue.

Mike Murray
Superintendent
Cape Hatteras NS/ Wright Brothers NMem/ Ft. Raleigh NHS
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----- Forwarded by Mike Murray/CAHA/NPS on 10/16/2006 11:08 AM -----

Jim Lyons
<12lbtest@usa.net>

To: Mike Murray <caha_superintendent@nps.gov>
cc:
Subject: note from our conversation, Thank You

10/14/2006 09:21 AM
AST

10/12/06

Mike,

I appreciate you calling me and explaining your position as it pertains to SO # 7 2006 and

current seasonal closures on 10/11/06. I sympathize with your predicament. Also, thank you for sending me the electronic copy of SO # 7 2006.

We discussed much during our phone conversation and I want to make sure I have your main points down correctly and that I have heard your reasons for SO # 7, 2006 and how they relate to my letter of 10/06/06. If I have left anything out or if something is inaccurate please correct me. These are my notes from our phone conversation.

- You don't want to make any drastic changes unless agreed in consensus.
- You are not staking out new ground with SO # 7.
- You are trying to keep the rhetoric down on all sides hence your reluctance to reverse or change any immediate ORV access boundaries and current policies.
- You want the Neg/reg to move forward and your policies are directed with how to best facilitate that.
- You acknowledge SO # 7 is still flawed but it is best left alone for now.
- There are conflicting interests actively pressuring the park.
- ORV groups are pursuing the Park to reduce the size and time period of ORV closures and to allow permitted handicapped ORV access into pedestrian areas.
- That you respect my views, they are valid and want me to express them at the Neg/reg.

On some points we can agree to disagree for the time being. I don't think the current status of ORV beaches is the status quo (.4 mile at Ramp 43 and .6 mile at Ramp 49) and I find the assertion in SO # 7, 2006 that ORV use is "appropriate", controversial. I acknowledge that you feel differently about this. I agree with you in that I want to participate in the Neg/reg and see it move forward as expeditiously as possible. I will work with you toward that goal.

It would help if we could be kept abreast of any new superintendent orders, policy statements or changes, such as SO # 7 and the access road that was made to the Point.

Being a former schoolteacher I realize the importance in following the chain of command. I have endeavored to do so in this matter. I don't want to take up staff time in a lengthy answer to my letter. Our phone conversation and a general acknowledgement of my letter will suffice. If there is any direct action in reference to my letter, other than being patient, that you want me to take, please tell me.

Sincerely,

Jim Lyons